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SMITHSONIAN DEPOSIT.

I.

LUTHER MARTIN:
THE "FEDERAL BULL-DOG."

BY

HENRY P. GODDARD.



II.

A SKETCH

OF THE

LIFE AND CHARACTER

OF

NATHANIEL RAMSAY,

BY

W. F. BRAND, D. D.

Baltimore, 1887.



Fund-Publication, No. 24.

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I.

LUTHER MARTIN.

II.

NATHANIEL RAMSAY.

LUTHER MARTIN.

P R E F A C E .

In the preparation of this pamphlet the published authorities consulted have been Hildreth's History of the United States; Scharf's History of Maryland, and "Chronicles of Baltimore;" The Reports of the Trials of Samuel Chase, and of Aaron Burr; The Autobiography of Judge Taney; The Life of Judge Story, by W. W. Story; Kennedy's Life of Wm. Wirt; The two Lives of Wm. Pinkney, by Wheaton and by Bishop Pinkney; Parton's Life of Aaron Burr; Blennerhassett's Diary; Henry Adams' Life of John Randolph (American Statesmen Series); Jacobs' Life of Capt. Cresap; The Life of Rev. Jas. Millnor, by Rev. J. S. Stone, besides the old newspapers and pamphlets of Martin's day in the rich library of the Maryland Historical Society. Most useful of these has been the copy of "Modern Gratitude," possessed by the Society, of which I know of but one other copy extant, that in the possession of Luther Martin McCormick, of No. 147 West Preston street, a grand-nephew of Luther Martin. This gentleman, who is the only surviving descendant of Martin's family, is also the owner of Pine's picture of Martin and family and of the miniatures by Peale. To him I am greatly indebted for material, as I was to his venerated father, Rev. Thos. McCormick, who died in 1883, having passed his 90th birthday. That gentleman, the late Chas. Tiernan, who died in 1886, and Hon. J. H. B. Latrobe, who still presides over the Maryland

Historical Society, are the only persons I have been able to find who recall Martin, and each furnished me with reminiscences.

To Judge John A. Campbell, now living in Baltimore, I am indebted for impressions of Martin, gathered by Judge Campbell from conversations with Judge Taney and John Quincy Adams.

Martin's letters to Mrs. Chas. Hager were published in the defunct "Baltimore Times" in January, 1882, by Col. J. Thos. Scharf, who has, or had them then in his possession.

It is my hope at some future date to expand this pamphlet into a biography.

HENRY P. GODDARD.

BALTIMORE, MD., *March* 26, 1887.

LUTHER MARTIN:

THE "FEDERAL BULL-DOG."

IN the Picture Gallery of the Maryland Historical Society at Baltimore, there hangs a large oil-painting, in which the artist, Robert Edge Pine, has portrayed a group of young people attired in the costumes worn by the wealthier class in this country in the latter part of the 18th century. The group consists of husband, wife, and two little girls; one, almost an infant, reclines in the mother's arms, while the other, a child of apparently six or seven years of age, is playing with a small dog. The lady is dressed in silk, and is looking across a smooth green lawn from the porch on which she sits, her eyes following the direction of her husband's hand, which is pointing toward a vessel coming up the harbor of Annapolis, where the picture was painted. The man has a riding whip in the other hand, his

dress is of velvet, his face handsome and intelligent. Behind the wife a colored servant watches with care the youngest child, and the whole picture suggests comfort and domestic happiness.

Sometime between the years 1820-25 a rising young member of the Baltimore bar, who still practises his profession in that city of which he has long been one of the most esteemed and respected citizens, and who has for a long series of years presided over the society in whose gallery hangs the picture just described,¹ was associated with the late Roger B. Taney, afterwards the celebrated Chief Justice of the U. S., in trying a case in the U. S. District Court in session at Baltimore. William Wirt was the opposing counsel, and the court room was filled with interested auditors, when suddenly there was a little ripple of excitement and the crowd gave way to right and left as a grey-haired old man tottered into the room, and passing inside the rail seated himself as if accustomed to the place. Apparently ignoring or unconscious of the deference shown him by the lawyers present, as well as by the spectators, he seemed absorbed in munching a piece of gingerbread. The old gentleman had on well-worn knee breeches, yarn stockings, silver buckles on his shoes and ruffles on his shirt bosom and sleeves.

¹ Hon. J. H. B. Latrobe.

It needed but brief observation to satisfy the surprised young lawyer that the old man was nearly bereft of mental power and had wandered into the court room more from a feeble instinct than with any real purpose.

The handsome young husband of Pine's picture, the centre of that happy family group, and the trembling old dotard that was seen thus aimlessly wandering into a court room were one and the same. It is Luther Martin, with his lovely wife and fair daughters, Maria and Elinor, that we see in the picture. It is Luther Martin, for over a half century a recognized leader of the Maryland bar—a bar ever famous for its eminent members,—the man who had been leading counsel in two of the greatest trials of cases of national interest and importance in the history of our country, who had thus wandered, a discrowned, demented and almost friendless Lear into the arena of his old renown.

Knowledge as to the early life of Luther Martin is chiefly obtained from the brief autobiographical sketch published by him in one of the later numbers of that remarkable series of pamphlets entitled "Modern Gratitude," published by him in 1801-2.

Born at New Brunswick, New Jersey, in 1744, Martin—who was of English stock—was the third of nine children. In 1757 he went to a grammar school where he learned the rudiments of Latin:

thence to Princeton College, where he graduated in 1763 at the head of a class of thirty-five.

The poverty of his parents had made it a hard task for them to send him to college, but he fully appreciated what they had done for him in providing for his education, "for which," he says in "Modern Gratitude," "my heart beats toward them with a more grateful remembrance than had they bestowed on me the gold of Peru or gems of Golconda." As soon as of legal age Luther conveyed to his elder brothers, in return for their sacrifices, a small tract of land that came to him from his grandfather.

Two days after graduation the lad of 19 decided on law as his calling, and, with a few dollars in his pocket and a few friends for company, set out for Cecil County, Maryland, with letters to a Rev. Mr. Hunt. This gentleman kindly treated him and gave him letters by aid of which Martin secured a school at Queenstown, Queen Anne's County, Maryland, where he taught till April, 1770, living with, and using the library of, Solomon Wright, father of Robert Wright, later a United States Senator from Maryland. His means were scanty, and he was then, as ever after, in pecuniary stress, for he was improvident by nature. He ran in debt, and when he stopped school-teaching to devote his whole time to law study, he was arrested on five different warrants of attachment. Of his pecu-

niary difficulties at that time he says in "Modern Gratitude": "I am not even yet, I was not then, nor have I ever been an economist of anything but time."

In 1771 Martin was admitted to the bar, and in 1772 went to Williamsburg, Virginia, where he remained during a term of court, making many valuable friends, among them Patrick Henry. He soon began practice in Accomac and Northampton, Virginia, was admitted as an attorney in the courts of Worcester and Somerset Counties, Maryland, and took up his residence in Somerset. His income soon reached the large sum, for that day, of 1,000 pounds per year, and was never less till the revolutionary troubles began.

That in the very inception of his legal practice he displayed ability that insured success and fame therein, is evinced by the recorded fact that at one of his early terms before the Williamsburg Court he defended 38 persons of whom 29 were acquitted.

In 1774 Martin was appointed one of the commissioners for his county to oppose the claims of Great Britain: also a member of the convention called at Annapolis to the same end. In this, his first appearance in the arena of politics, he at once took strong patriotic ground. About this time he published a reply to the address sent out by the Howes from their ships in Chesapeake Bay, also an address "To the inhabitants of the peninsula

between the Delaware river and the Chesapeake, to the southward of the British lines," which was circulated in printed hand-bills.

It is to these days he alludes in "Modern Gratitude" (page 138): "Throughout which not only myself but many others did not lie down one night in our beds without the hazard of waking on board a British ship or in the other world."

In 1778, by the advice of Judge Samuel Chase, Martin was appointed Attorney General of Maryland. In this position he most vigorously and rigorously prosecuted (almost *persecuted*) the Tories of his State, making thereby life-long enemies as well as warm friends, for throughout his whole life he was never neutral in anything.¹ Always lavish

¹In the early Maryland Reports can be found a case which shows the bitterness with which Martin, as Attorney General, pursued all suspected of having been Tory sympathizers during the Revolution. It is the case of State of Maryland *vs.* Samuel Johnston, tried in 1786 (2 H. & McH. 160). Mr. Johnston applied to be admitted to practice in the courts of Maryland. Martin opposed on the ground that at the outbreak of the Revolution Johnston had resigned certain petty offices in Pennsylvania rather than take the oaths of allegiance, and had removed to Maryland to remain "peaceable and inactive" during the war.

Johnston acknowledged this charge, but pleaded that his conscience did not permit his taking the oath referred to at the time as he did not think himself absolved from allegiance to the king, until independence was acknowledged, although he wished well to our liberties; that his sons-in-law were colonels in our militia, two sons privates in our armies, one of whom was taken prisoner; that now that independence was established he was perfectly attached to the government of Maryland.

Although all the witnesses corroborated Mr. Johnston and represented him as a mild, conscientious gentleman, Martin fought the case by every legal resort and did not submit until a third and final hearing, before the highest court in the State, when Mr. Johnson was decided admissible.

but never grasping, he very early in his official career refused a silver service tendered him for his bold prosecution of a wealthy citizen charged with the murder of an Irishman. His spare hours at this time were spent in managing a salt mine at Accomac.

In 1783 Martin married Miss Cresap of Old Town, Alleghany Co., Md., a daughter of that celebrated Capt. Michael Cresap who was charged by Thomas Jefferson, in his "Notes on Virginia," with the massacre of the family of the Indian chief Logan. The alleged speech, put into Logan's mouth by Jefferson, in relation to the wrong done the Indian was until recently a favorite piece for school-boy declamation. In a life of Capt. Cresap, published at Cumberland, Md., in 1826,¹ it is stated that Martin published a reply to Jefferson defending Capt. Cresap, but that it had a limited

¹The author of this life was one John J. Jacob. It is quite a readable little volume. In it the writer says, *apropos* of Jefferson, that he foresees the difficulty of questioning the truth of any statement made by such a man, "especially by such a pigmy as myself, however encircled with the shield of truth, would in all probability, be as unavailing and feeble as the efforts of a musquito to demolish an ox," hence, he says, he received assurances from Luther Martin, who had intermarried with a daughter of Capt. C. that he would undertake a defence. Confident in his ability and position, "co-equal with the philosopher of Monticello," he placed the materials in his hands. He adds that Martin published a defence of Capt. C. but that it did not have a wide circulation, as "pamphlets are soon lost and party spirit ran so high that any blemish on the moral fame of Jefferson was easily transferable to his political standing, hence it was better upon the whole some men might think that Cresap, however innocent, should yet remain under censure, than that any suspicion as to the perfection of so great a character should rest on the public mind."

circulation and has disappeared. Although Jefferson said of this pamphlet that it was of a style "that forbade the respect of an answer," the verdict of history is pretty well established that Logan was not wronged by Cresap, at any rate to the extent claimed in the imaginary speech; but the feud thus created between Martin and Jefferson never ended; "as great a scoundrel as Tom Jefferson," being the severest condemnation Martin could bestow on any man.

In 1787 Martin was sent by the Maryland Legislature as one of the delegates to the convention at Philadelphia, which framed the Federal Constitution. In the debates of that famous body he took an active part. In view of the fact that not many years after he was christened by his old antagonist, Jefferson, "the Federal Bull-Dog," it is noteworthy that his speeches in convention were in vehement opposition to the Constitution, and that he left the body forever with one of his colleagues and went home rather than sign the instrument. He kept up his opposition on his return to Maryland and laid before the Legislature of that State some of the ablest arguments against ratification ever made.¹

A single quotation from his protest against the license allowed the African slave trade in the Con-

¹ It was from Martin's arguments published at this time that John C. Calhoun was wont to draw in his nullification speeches.

stitution may serve to indicate the prophetic wisdom and wise statemanship of the man. "It ought to be considered that national crimes can only be, and frequently are, punished in this world by national punishments, and that the continuance of the slave trade, and thus giving it a national sanction and encouragement, ought to be considered as justly exposing us to the displeasure and vengeance of Him who is equally Lord of all, and Who views with equal eye the poor African slave and his American master."

The Madison papers confirm Martin's report of his opposition to the continuance of the slave trade. That he was conscientious and consistent therein appears from the fact that in 1789 we find his name associated with that of his friend Judge Chase as the two "Honorary Counsellors" of the Maryland Society for promoting the abolition of slavery, and the relief of poor negroes and others unlawfully held in bondage."

It is remarkable that the next public appearance of Luther Martin in a matter of national interest was as a staunch supporter of this very Federal Constitution, the adoption of which he had so ardently opposed, and fully as remarkable that such appearance should be as counsel for a Federal official—his warm personal friend—who had been no less bitter in his opposition to the same instrument. This appearance was as one of

the counsel for the defence in the impeachment trial of Judge Samuel Chase before the United States Senate in 1804.

The occasion was a momentous one and recognized as such by all who participated therein, as here was to be fought one of the first great battles of our national history between the advocates of diverse views as to the construction of the National Constitution, and the question to be settled whether the judicial department of our government could be controlled and manipulated at the pleasure of either of the other departments. That President Jefferson instigated this trial of the most vulnerable member of the Supreme Court in order to make that body less of an obstacle to his methods of government is most probable.

The Senate was presided over by Vice-President Aaron Burr, who, though he had recently slain the ablest Federalist of them all, and was out of favor with his own party for his selfish effort to push himself into the Presidential Chair designed for Jefferson by the party as a whole in the last contest, yet presided with a grace and fairness that won universal recognition. "With the dignity and impartiality of an angel, but with the rigor of a devil," said an opposition newspaper.¹

¹ With that love of dramatic effect which characterized the man, the Vice-President had the Senate Chamber fitted up as a court in which the Senators were arranged in a semi-circle about himself as centre, with the accused,

Among the Senators sitting in judgment on the case was the future President, John Quincy Adams, who steadily voted in favor of the accused, and many other wearers of historic names, such as Bayard of Delaware, Breckinridge of Kentucky, Dayton of New Jersey, Giles of Virginia, Tracey of Connecticut, Pickering of Massachusetts and Sumpter of South Carolina.

The Chief Manager of the impeachment on part of the House was John Randolph of Roanoke, then but thirty-one years of age and already the leader of the House, yet more feared than loved for his sarcastic eloquence. Hildreth (*History of the United States*) well comments on his speeches in this case as "tingling but desultory surface strokes." Of his five associates Cæsar Rodney of Delaware was the most notable.

Around Judge Chase, who was fully able to plead his own cause yet shrewd enough to draw about him the ablest advocates of his day, there gathered as counsel his life long friend Martin,¹

his counsel, the managers of the impeachment and the House, all effectively placed, while extra galleries draped in green cloth were provided for spectators, with handsome boxes for ladies, for the diplomatic corps and members of the government. The Senators' seats were draped in crimson, those for managers and counsel in blue.

¹"Most formidable of American advocates was the rollicking, witty, audacious Attorney-General of Maryland; boon companion of Chase and the whole bar; drunken, generous, slovenly, grand; Bull-dog of Federalism, as Mr. Jefferson called him; shouting with a school-boy's fun at the idea of tearing Randolph's indictment to pieces and teaching the Virginia Democrats some law,—the notorious reprobate genius Luther Martin." Henry Adams' *Life of John Randolph*, page 141.

Charles Lee, late Attorney General of the United States, and Robert Goodloe Harper, who had but just ceased to be the Federal leader in the House and who has passed into history as one of Maryland's greatest advocates. Of lesser fame were Joseph Hopkinson, author of "Hail Columbia," and Philip Barton Key, of a family identified with our other great national anthem, "The Star Spangled Banner."

The charges against Judge Chase were embraced in eight articles. Their general drift was that he had violated his official oath and been unmindful of his judicial duties in two cases tried before his court and that he had improperly charged a grand jury, making his charge a political tirade against the party in power.

Judge Chase was undoubtedly an obstinate and bitterly prejudiced old Federalist, who had been very overbearing to members of the bar and most injudicious in his remarks concerning President Jefferson's official course, yet that he was not deserving impeachment the result of the trial before a body containing a majority politically opposed to him and to whom Chase's "bacon face," as an opposing journal derisively termed it, was not more obnoxious than his political course, clearly indicates. The wisdom of the verdict is at this day pretty generally admitted.

The arguments in the trial by Chase's counsel

are characterized by Hildreth as "Martin's massive logic, and Lee's and Harper's argumentative eloquence directed always to the point."¹

Space for extracts from Martin's argument is wanting, but one notes in passing that therein Martin lays down an important view of an old question in ethics when he says that when counsel have done all that can be done to insure a *fair* trial for a client, if agreeable to law and to clear, undoubted evidence the prisoner is guilty, it is the duty of counsel to submit his client's case to the honest decision of the jury without any attempt to mislead them, and this whether the counsel are appointed by the Court or employed by the criminal. He well adds "the duty of a lawyer is, most certainly, in every case to exert himself in procuring justice to be done to his client, but not to support him in injustice."

As is well known the impeachment was not sustained, only three of the eight articles receiv-

¹ "If any student of American history, curious to test the relative value of reputations, will read Randolph's opening address, and then pass on to the argument of Luther Martin, he will feel the distance between show and strength, between intellectual brightness and intellectual power. Nothing can be finer in its way than Martin's famous speech. Its rugged and sustained force; its strong humor, audacity, and dexterity; its even flow and simple choice of language, free from rhetoric and affectations; its close and compulsive grip of the law; its good-natured contempt for the obstacles put in its way,—all these signs of elemental vigor were like the forces of nature, simple, direct, fresh as winds and ocean, but they were opposite qualities to those which Randolph displayed." Adams' Life of John Randolph, pp. 146-147.

ing even a majority of the votes of the Senators, none the requisite two-thirds.¹

In 1805 Martin resigned the Attorney-Generalship of his State after twenty-seven years consecutive service. Despite his years (he had passed sixty) he had still the largest practice of any lawyer in the State of which he was the most-talked-of citizen, but that he was not mercenary is shown by his next appearance in a great public trial where his love for the accused and hatred of Jefferson led him to take a most active part.

This was in the famous trial of Aaron Burr at Richmond in 1807; with the possible exception of the impeachment trial of Andrew Johnson, the greatest State trial in our history.

Burr, who had first met Martin during the impeachment trial of Chase, had greatly admired his talents and become his warm personal friend, and hence at once summoned him to his defence, though he neither had then nor ever had the money to pay for his legal service.

Again the surroundings were dramatic and the scene historic. The stately Chief Justice John

¹That Judge Chase realized how much he owed to Martin, is indicated by an anecdote (*American Law Review*, 1867) to the effect that in a case before the Federal Court at Baltimore, some years after the Chase trial, Martin, overcome by liquor, was so insolent and overbearing in his deportment that it became unendurable, whereat the District Judge drew up a paper for his commitment for contempt and handed it to Chase, who took up a pen to sign it, hesitated a moment, threw down the pen and said: "whatever may be my duties as a judge, Samuel Chase can never sign a commitment against Luther Martin."

Marshal, then fifty-two years of age, "with eyes the finest ever seen," sat upon the bench, and as he looked upon Burr, who unflinchingly gazed back, it was remarked "that two such pair of eyes had never looked into each other before."

The counsel for the government were a far abler trio than had led the attack upon Chase. Their nominal chief was George Hay, son-in-law of James Monroe, who acted under advice of daily letters from Jefferson, who was even more anxious for conviction than in the preceding trial and who had greater cause and a far better case. But, "where McGregor sits is always the head of the table," and where William Wirt was one of the counsel there could be no other head. Although but thirty-five, Wirt was even now master of a style of impassioned eloquence that swept all before it, as can readily be realized by recalling the oft-quoted description in his speech at this trial of the ruin of Blennerhasset's home by Aaron Burr. The last of the trio was Lieut.-Gov. Alex. McRea, described as "a sharp-tongued lawyer."

As in the other trial the real leader of the defence was the accused, a man whose whole life was a romance full of shattered possibilities of goodness and greatness and who, if he had possessed any moral balance, might even then have sat in the Presidential Chair filled by Jefferson instead

of occupying the culprit's seat in a trial for treason ordered by that chief magistrate.

The nominal leader of the five able counsel for the defence was Edmund Randolph, who had held two portfolios in Washington's cabinet (and left the last under a cloud) and had also been Governor of Virginia, able, learned and dignified; second, Martin; third, John Wickham, leader of the Richmond bar; fourth, Benjamin Botts, father of the celebrated John Minor Botts, young but eminent for his fearlessness; and fifth, Jack Baker, "a jolly dog," lame but very witty.

Martin's old antagonist in the Chase trial, John Randolph, was now foreman of the grand jury, having tried in vain to escape from that duty on the ground of his prejudice against the prisoner.

Martin's argument in the Burr case can be found in full in the official published report of the trial. All in all it impresses one as a skilful bit of special pleading by one who seeks every technical loophole for his client's escape, and who has read and studied hard for precedents to that end, pressing these home upon the court under the plea of asking fair play for Burr, regardless of the consequences to Blennerhassett and others indicted, notwithstanding that he specially disclaims such purpose.

A bit of terse common sense may be excerpted from Martin's argument on a question repeatedly

coming before the courts as to the capability for jury service on the part of those who have read newspaper accounts of the alleged crime, where he says "every citizen reads the papers. He sees therein the charges against the accused. He would not have the soul of a man, nay not the soul of a mosquito, if he did not take a part in what was going forwards and an interest in what concerned the welfare of his country. It cannot be doubted that juries are as fallible as judges and as liable to be influenced by their feelings and passions by what they see and hear."

In the same argument Martin availed himself of the opportunity afforded by an allegation that Jefferson was keeping back certain important papers necessary for Burr's defence, to pour upon him the vials of wrath which he was ever ready to uncork when the President's name was mentioned. He closes this passage of invective by saying that "whoever withholds necessary information that would save the life of a person charged with a capital offence is substantially a murderer and so recorded in the register of heaven."

In one of his letters to Mr. Hay, Jefferson retorts :

"Shall we move to commit Luther Martin as a *particeps criminis* with Burr? Grayball will fix upon him misprision of treason at least, and at any rate his evidence will put down this unprin-

ciplered and impudent Federal bull-dog, and add another proof that the most clamorous defenders of Burr are all his accomplices. It will explain why Luther Martin flew so hastily to the aid of 'his honorable friend,' abandoning his clients and their property during a session of a principal court of Maryland, now filled, I am told, with the clamors and ruin of his clients."

Martin was again on the winning side, for, despite popular belief in Burr's guilt, at least in intention, which found voice in the jury's verdict of "not proved to be guilty," the case of the government was hopeless after Judge Marshall's ruling that the assembling and enlisting of men on Blennerhassett's Island showed no overt act; that even if it did, Burr's agency did not appear, and that the overt act must be established before testimony as to Burr's conduct or declarations could be admissible.

As usual with him, Martin stuck by Burr through good and evil report, and after the trial took him with Blennerhassett to his own home in Baltimore as guests. This created great public indignation in the city, and handbills were posted about that "effigies of Chief Justice Marshall, of Burr and Lawyer 'Brandy-Bottle'" would be hanged on Gallows Hill that evening, a plan which was carried out, the police only preventing a public riot.

In the recollections of John Barney, quoted by Parton in his life of Burr, Barney states that he was present at a dinner given in Burr's honor by Martin at this time, at which Burr rose from the table and went to the window to bow to a passing band, which, he supposed, had come to serenade him, but when he discovered that the tune was "the Rogue's March," the windows were quickly closed. This anecdote was confirmed by the late Wm. Jessop of Baltimore, who headed the procession on the occasion.

In 1814 Martin was appointed Chief Judge of the Court of *Oyer and Terminer* for Baltimore city and county, a position which he filled very satisfactorily till the abolition of the Court in 1816.

In February, 1818, forty years from the date of his first commission, he was reappointed Attorney-General of Maryland, but his powers soon waning an assistant had to be appointed, and he appeared in but few cases. The last important case in which I find record of him was the famous case of *McCulloch vs. State of Maryland*, before the United States Supreme Court in 1819, a test case as to the right of a State to tax the circulation of a United States bank within its limits. Martin appeared for the State, with William Pinkney opposed to him. It is curious to note that in Martin's argument in this case he goes back to the "strict construction" view of the United States

Constitution of his early days in opposition to the general tenor of the stiff federalism of his middle life, leading to the conclusion that his argument is rather "official" than from his convictions.

In 1820 he had a stroke of paralysis and became entirely dependant upon his friends, as he never saved any money, which state of affairs led the Maryland Legislature in 1822 to pass an act, which is unparalleled in American history. This act required every lawyer in the State to pay annually a license fee of five dollars, the entire proceeds to be paid over to certain designated trustees "for the use of Luther Martin." The hold that Martin had upon his professional brethren is indicated by the fact that but one lawyer is on record as ever having objected to paying this remarkable tax, and he was induced to withdraw his objections to the constitutionality of the act before the case reached the highest court, while the tax was almost universally paid ungrudgingly.

As the end drew near, Burr, who was Martin's debtor in every sense, took him into his own house in New York and gave him a permanent home therein, where, paralyzed, infirm and poor, he was enabled to pass his last days in comparative comfort, dying July 10, 1826, aged eighty two years.

MARTIN AS A LAWYER.

Whatever his merits or demerits as man or statesman, Luther Martin was indisputably a great lawyer. The cases in which he was engaged in the formative period of our republic were many of them of State or national interest, and as the leading lawyer of Maryland at the time he did much to mould the general tenor of its laws. His contemporaries, the foremost lawyers of his day, such men as Pinkney, Wirt, Harper, Taney and Story, have nearly all of them left on record tribute to his great abilities.

A careful perusal of such of Martin's arguments as have been preserved—almost invariably they are very lengthy—show a marvellous memory and tremendous amount of knowledge of law. Equipped with endless precedents, he cites them at great length and exhausts his side of the case; yet, while here and there is found a piece of tremendous invective or amusing sarcasm, as a whole the speeches are pretty dull reading. One concludes after careful study of these arguments that Martin won (for he was very successful) more by weight of precedent and knowledge of law than by personal eloquence.

William Pinkney speaks of Martin's argument in a case in which he was pitted against him as "remarkably redundant" and "remarkably defi-

cient" in that he had resorted to authorities without number to support what nobody denies and "had abandoned the field of fair argument," but in the same speech defends Martin from any suspicion of dishonorable action and alludes "to his generosity and utter negligence in pecuniary matters."

In this connection it is interesting to quote from Judge Taney, who, in his autobiography, says, "I have seen Pinkney writhe as if in pain when listening to Martin speaking in his slovenly way in broken sentences, using the most indefensible vulgarisms and sometimes mispronouncing his words," whereas Pinkney, he adds, often overdressed both his person and his manner, frequently addressing the court with hands gloved with amber-colored doeskins.

Chief Justice Taney devotes much space in his autobiography to Martin, saying that "he was a profound lawyer. He never missed the strong points of a case and, although much might have been omitted, everybody who listened to him would agree that nothing could be added," that the foremost men of the bar were afraid of his inexhaustible resources and that his fairness to the accused when Attorney-General was always notable.

Judge Joseph Story, Associate Justice of the United States Supreme Court, gives a very inter-

esting sketch of Martin in a letter written at Washington in 1808 (quoted in full in the life of Judge Story by W. W. Story). He found him diffuse, "but amid the chaff is excellent wheat." He animadverts on his slovenly appearance and says, "you should hear of Luther Martin's fame from those who have known him long and well, but you should not see him."

Aaron Burr wrote of Martin, "with better breeding and a redemption from habits of inebriety his would be a perfect character. His heart is overflowing with the milk of benevolence. His potations may sometimes perhaps coagulate, but they will never acidify the fluid with which it is so well replenished," piously adding, "may it never be wasted on the unworthy."

In Blennerhassett's diary of the Burr trial there is a vivid picture of Martin's staggering into his room, introducing himself, swallowing a pint tumbler of brandy, and then talking wonderfully well upon all subjects, astonishing his hearers by the width and depth of his knowledge but disgusting them at the same time by his bad manners. Admitting his wonderful power of citing facts and making arguments that sweep away all opposition, Blennerhassett denies him fancy or grace and sums him up in one word as "the *Thersites* of the law."

That, especially in later life, Martin was sometimes guilty of great disrespect to the court is

evident from recorded cases in which he was severely reprimanded for such offences.

HIS PRIVATE LIFE.

The private life of a man who for a half century or more held such prominent position in the public eye surely awakens interest, but herein it is that he was most a failure. The happy husband and father of Pine's picture, the friend of judges and of statesmen, the rival of Wirt and Pinkney, the generous host and entertainer of the wealth and blood of Baltimore, died a childless widower, poor and imbecile, from his bad habits.

In his family relations he was especially unfortunate. His wife, of whom a beautiful miniature by Rembrandt Peale is still extant, died while he was in the prime of life, leaving him two daughters who inherited her beauty. In the year 1800, while these girls were in their teens, Martin, now fifty-six years of age, paid his addresses to a charming and wealthy widow, Mrs. Mary Hager, a lady who at fifteen years of age had refused Gen. Horatio Gates, of revolutionary fame, and who was at this time the widow of Charles Hager, mother of one daughter, and possessed of a large estate in Western Maryland. The mother had occasion to employ Martin on some law business and was shrewd enough not to refuse him till he

had won her suits. She subsequently married a Col. Lewis.

A series of Martin's letters to this lady are extant. All of them are readable, most of them are very ardent love letters and very interesting from their mixture of love and politics as well as from their revelation of the writer's character.

In the very first of the series, dated Annapolis, May 12, 1800, he offers himself as follows:

"You have a charming little daughter who wants a father. I have two who stand in need of a mother. By doing me the honor to accept my hand, our dear children may have the one and the other, and I promise you most sacredly that in me you shall ever find a tender, indulgent and affectionate husband, and your present little daughter shall find in me everything she could wish in a father. My fortune, my dear madam, is not inconsiderable. I have a large landed estate in Maryland and Virginia and my practice brings me more than \$12,000 per year. Our estate united will enable us to live in a style of happiness and elegance equal to our wishes, and so far am I, my dear madam, from wishing my little girls to be benefited by your estate, that if we should not increase our family, your fortune, whatever it may be, shall be your own; if you survive me, or if you should not survive me, your daughter's."

The third letter of the series tells its own story.

and is pretty conclusive evidence that at this period of his career Martin had lost the power of self-control in the use of stimulants. Reproaching the lady for coldness, he says :

“I have been told since you left town that on last Sunday week, in the evening, I was seen at your lodgings. Of this I had no possible recollection. I doubt not that I made a very foolish figure, but I think it impossible that I should have behaved with rudeness or impropriety. Was that the reason, my very dear Mrs. H., of the coldness and reserve you appeared to meet me with on the Monday morning when I called on you before I went to Annapolis? If so, I will not blame you, but be assured you shall never see me again in a situation that I know not what I do, unless it should proceed from the intoxication of love. In the heat of summer my health requires that I should drink in abundance to supply the amazing waste from perspiration, but, having found that I was so unexpectedly affected as I was by cool water and brandy I have determined to mix my water with less dangerous liquors. Nay, I am not only confining myself to mead, cider, beer and hock, mixed with soda water, but I am accustoming myself to drink water alone. Thus if we live to see each other again you will find me most completely reformed and the soberest of the sober.”

In a letter of December 17, 1800, he is very loving and pleads for a favorable ending of his suit, announces that he has sent the lady a Christmas box of currants and raisins with a jug of Madeira for mince pie, and (forgetting his promised reformation) promises to drink her health in a glass of good Madeira at 2.30 p. m. on Christmas day and wishes her to observe the same hour by a similar libation.

In the last letter, June 12, 1801, the advocate virtually abandons his suit as hopeless and falls back into the position of legal adviser and personal friend.

Luther Martin's besetting sin was indisputably love of, and excessive indulgence in, ardent spirits. Numberless anecdotes illustrative of this fact are still in circulation in Maryland, many purely traditional but others well founded. At a meeting of the Maryland Historical Society many years since, Judge Giles (United States District Judge) cited John Quincy Adams as having informed him that he (Adams) was once present in the United States Supreme Court when Martin was so drunk that the Court adjourned rather than let him attempt to conduct his case.¹ He was often compared to Porson, the great Oxford professor, who absorbed liquors and Greek with equal love and felicity.

¹ Judge Campbell tells me that this was in the case of *Fletcher vs. Peck*. Cranch's U. S. Supreme Court Reports, Vol. VI.

This comparison is apt in connection with a story told in Tyler's life of Judge Taney (page 122 *seq.*) :

In a suit of great magnitude as to the interests involved, in which Mr. Taney was associated with Martin, which was to be tried at Hagerstown, the two started from Frederick, 26 miles distant, the evening before the appointed day of trial. At every relay (5 miles) Martin drank whiskey when he could get it, ale, or, if he could get neither, buttermilk. Arriving at Hagerstown they took supper, when Taney told Martin that after a cigar and a rest he would come to his room and go over the case with him. At 11 p. m, he did so, only to find Martin with hat, one boot, and all his clothes on, lying across the bed very much under the influence of liquor. Finding it impossible to arouse him, Taney returned to his own room distracted but not daunted and studied the case till day-break. At the opening of the Court Taney was in his seat, sure that Martin would not appear, as his room door was locked when Taney left the hotel, but just as the case was called in walked Martin and "in none of his forensic efforts," said Taney, "did he excel his skill in the management of this case."

The late Reverdy Johnson was wont to tell a similar story of his experience when, as a young lawyer associated with Martin, he drove with him from Baltimore to Annapolis to try a case. Stop-

ping over night at the Half-way House, Martin got very drunk as usual. Mr. Johnson retired and had been asleep some hours, when he was awakened by Martin, who entered the room, lit a candle, threw himself on his bed, took a volume from his pocket and began to read. Much surprised, Mr. Johnson inquired as to the book which so interested him as to keep him from undressing and retiring at that late hour. "Young man," replied Martin, "I have of late always made it a rule to read a few pages from the book of Common Prayer before going to sleep."

That Martin knew the difference between "Philip drunk and Philip sober" was evidenced in the pretty well authenticated story of the definition of drunkenness that he gave to a certain Episcopal clergyman of Baltimore, who having been complained of by some of his parishioners for intemperate habits, sought Martin as his legal adviser. "Are you guilty?" said Martin. "That depends, sir," was the reply, "upon what you call drunkenness." "A man is drunk," replied Martin, "when after drinking liquor he says or does that which he would not otherwise have said or done"—a definition, by the way, which has been much discussed *pro* and *con* in social as well as legal circles in Maryland since.

As to Martin's religious convictions there is on record a single important entry, that is in the

memoirs of Rev. Dr. Jas. Millmore (for many years rector of St. George Church, New York) by Rev. Dr. J. S. Stone (Am. Tract Soc'y, 1848), wherein, says the biographer, "April 5, 1813, he records an account" (in his diary) "as singular as it was pleasing of the conversion of L. M., an eminent lawyer in Baltimore, advanced in years, who had been equally celebrated for his powerful eloquence at the bar, and for his notorious sacrifices at the shrine of Bacchus." After noticing this man's appearance at a public religious meeting, where he engaged in exhortation and prayer, in a manner "which for fervor and sublimity astonished all who heard him," the diarist exclaims, "Thanks be to God, His power is infinite!"

This extract must apply to Martin, yet he was certainly an attendant at St. Paul's in Baltimore many years before. The parish records of this, the oldest episcopal parish, show him to have held a pew from before 1800 to 1824 and that he was characteristically ever in arrears for pew rent for non-payment of which his pew finally passed into other hands.

Next to intemperance, gross carelessness in money matters seems to have been his pervading fault. William Pinkney has already been quoted on this point and there is abundant other evidence. An advertisement clipped from a Balti-

more paper somewhere between 1813 and 1820 shows Martin advertising for a loan of \$1,200 for one year. He offers as security land within from 3 to 12 miles of the city (evidently various pieces of property), "valued at \$40,000," offers to pay interest every 60 days and closes by saying "whoever shall advance this money will be secure from any loss, will enjoy the same profit upon it as if invested in bank stock, and will confer an obligation upon a person in the catalogue of whose vices whatever they may be, ingratitude has never been named."

It is curious to know on Martin's own authority as narrated by him to the father of a gentleman still living, that at about this time (whether in response to this advertisement is not stated) the wealthy merchant, Robert Oliver, of Baltimore, sent his cashier to Martin with his blank check, requesting him to fill it out for an amount to "cover his present necessities." Said Martin as he told the story, "I took the noble fellow at his word and filled out the check for \$5,000," for which, tradition says, he subsequently executed a mortgage of some real estate, but it is not probable that Mr. Oliver expected to be or ever was fully repaid.

In their marriages neither of Martin's daughters chose wisely, bringing unhappiness alike upon their doting father and upon their own heads.

These girls, Maria and Elinor, are said to have both been beautiful and accomplished. An existing miniature of the eldest, Maria, by Rembrandt Peale,¹ which was pronounced by the late Madame Patterson Bonaparte "a living likeness," certainly bears out the claim so far as she was concerned.

The youngest daughter, Elinor, when but sixteen years old married, February 24, 1801, at Brooklyn, N. Y., Richard Raynal Keene. This marriage was in direct opposition to her father's wishes, was unattended by and never forgiven by him. It lead to the publication by him in 1801-2 of a remarkable series of pamphlets entitled "Modern Gratitude."

This strange work consists of five pamphlets published at short intervals, of which but very few complete collections are extant. The most valuable, in that it contains the single pamphlet published in rejoinder by Keene bound up with it, is owned by the Maryland Historical Society, who secured it at the "Brinley sale" a few years ago.

In these publications Martin excoriates his son-in-law, R. R. Keene, with all the virulence of which his extensive vocabulary and wide reading of criminal cases gives him command. More bitter language he could have hardly bestowed upon

¹ This with similar miniatures of Martin and his wife, all beautifully executed, are now in possession of his great-nephew Luther Martin McCormick, of Baltimore.

a Cataline or Nero. Yet the work is very tedious reading. The sum and substance of the matter, as gleaned from the pamphlets and rejoinder seems to be that after Martin had taken Keene, an impecunious young lawyer, into his home as a matter of kindness and charity, the latter stole the affections of his young daughter when she was but a child of fourteen, and after a sinuous course of concealment and deception of her father induced her to marry him, despite that father's requests, threats, protestations and commands. All in all the book is a curious study, leading one to feel that Martin undoubtedly had much provocation, that Keene's conduct was unmanly, but that the publication could be of no benefit to any of the parties in interest, yet it has served one good purpose in that in defending himself from Keene's charges as to his own early pecuniary difficulties and his habits, Martin gives the interesting bits of autobiography from which we get all our knowledge of his early life.

The inauspicious marriage resulted unhappily, the young wife is said to have been ill-treated. She survived but four years, dying in 1807. The issue of the marriage was one son, Luther Martin Keene, born in New Orleans, died in New York City. Despite his dislike of the father, Martin loved, cared for and educated the son, whose father soon dropped out of sight. When the old

lawyer died he left his valuable law library to the lad, who quickly sold it as he did a lot that had been willed to his mother by Mr. Burns—father of the celebrated belle, Mrs. Van Ness, who left a lot in Washington to each of Martin's daughters out of regard for their father. The young man squandered the proceeds, went from Baltimore to New Orleans, thence to sea and came home to New York a wretched invalid, dying at a hospital in early manhood, ending the direct line of Martin's descendants.

Maria Martin, the elder daughter, married a naval officer, Lawrence Keene, not a relative of Richard Raynal Keene. They lived a while with her father, but her married life was also unhappy and she separated from her husband, who left the city. Not long after she was summoned to his dying-bed in New York, but his life had expired when she arrived. Heart-broken, she returned home, but soon became insane from her troubles and went to an asylum, where she shortly died.

If Capt. Cresap ever did wrong the family of the Indian Logan, surely his sin was visited upon his children, even to the third and fourth generation.

LIFE AND CHARACTER
OF
NATHANIEL RAMSAY.

A SKETCH
OF THE
LIFE AND CHARACTER
OF
NATHANIEL RAMSAY,

Lieut.-Col. Commandant of the Third Regiment of the Maryland Line.

NATHANIEL RAMSAY was of Scotch-Irish parentage. His father, James Ramsay, when young, emigrated from the North of Ireland to the Colonies and, as a farmer, settled in Lancaster County, Pennsylvania. Here were born to him, among other children, three sons, to each of whom he gave the best collegiate education to be had then in America, and each of whom did honor to a judicious father's training. William, the eldest of these sons, a much-esteemed Presbyterian minister, died in 1771 in Connecticut, where all his ministerial life had been spent. David, the youngest, and probably the most intellectual, is

well known among the eminent men of the early history of the United States as patriot, historian, and physician.

Nathaniel, the second son, was born 1st May, 1741. After graduation at Princeton he studied law, and in 1771 became a member of the bar in Cecil County, Maryland. A portrait by one of the Peales, hanging above me as I write, represents him upholding the goodly volume of Bacon's Laws of Maryland. Before he could have had time to attain a high position as a lawyer, he gave himself to the struggle that ended in the independence of his State and of her associates. He was a delegate from his county to the Maryland Convention of 1775, and was actively engaged in furthering the ends of that convention until January, 1776, when he was made a captain in the first battalion raised in Maryland.

This battalion, under the command of Colonel Smallwood, marched to Philadelphia and thence to New York in time to take part in the disaster of Long Island, which, but for the judgment and the surprising bodily endurance of Washington, might have been the termination of the hopes of the Americans, and which, on the day of the battle, was relieved only by the daring and steadiness of a portion of the Marylanders, who, in repeated charges on Lord Cornwallis, were used by Lord Sterling to cover the retreat of his men.

Ramsay remained connected with the army until the close of the war, although in inactivity during a long period through no will of his own. He found opportunity to gain a reputation for coolness and courage; but he held a subordinate position, and he might have had no claim to remembrance other than that of numbers of the brave and patriotic men of his day but for the fact that, in his last battle as in the first, he was among those who were called on to face special danger for the safety of others. Colonel Ramsay, as a soldier, was especially prominent on only one occasion; but his conduct then and the great interests that then rested on him and his command were such as to deserve enduring gratitude, especially from Marylanders, whose reputation he advanced.

The dreary winter passed by Washington at Valley Forge had ended. The Americans, who did not often attain distinguished success in arms, had shown how they could endure privation and suffering. They seem to owe the gaining of their freedom to having acted on the precept of the early Church Father, *Stand as an anvil that is beaten*. When the summer came the British found themselves obliged to abandon Philadelphia, and on the 18th June Sir Henry Clinton crossed the Delaware without opposition. This evacuation had been foreseen, and when a council was held to decide on the course to be pursued a large majority

of the general officers were prompt to declare that an action should be avoided: General Lee even asserted that it would be "criminal" to hazard an engagement. The destination of Clinton was uncertain. Washington followed him through New Jersey, purposing to be governed by events and influenced by a judgment different from that of his council a second time convened, and which was still of the opinion that a collision should be avoided.

As the British drew nigh to the heights about Middletown, without further consultation he decided on his own responsibility to attack them when they should leave a strong position held by them near Monmouth Court House. With this view he disposed his troops and gave his orders on the night before, the 28th June, 1778. To General Lee was assigned the duty of attacking the rear of the enemy when on their march. Reconnoitering that he might properly do this, Lee was met by a larger force than he had looked for, Clinton having marched back with his whole rear division. After a slight hesitation he directed the whole detachment under his command to regain the heights they had passed. "About noon Washington, who was leading the rear division of the army, to his utter astonishment and mortification, met the advanced corps retiring before the enemy without having made a single effort to maintain

their grounds. Those whom he first fell in with could give no other information than that by the order of General Lee they had fled without fighting. General Washington rode to the rear of the division which he found closely pressed. There he met Lee to whom he spoke in terms of some warmth. . . . He also gave immediate orders to the regiments commanded by Colonel Stewart and Lieutenant-Colonel Ramsay to form on a piece of ground for the purpose of checking the enemy who were advancing rapidly on them."

The facts here stated are given on the authority of Judge Marshall: the last paragraph is in his words. It is not for me to describe the battle, but only to present more fully what Marshall dismisses in a line,—the incident that concerns the subject of my sketch. Why, being Lieutenant-Colonel, Ramsay was in command of a regiment I cannot say; nor do I know when he was practically promoted. His formal commission is preserved. It is signed by John Jay, President of the Congress of the United States, and bears date, 1st June, 1779, nearly a year after the battle of Monmouth: it constitutes and appoints him "to be a Lieutenant Colonel Commandant in the Army of the United States, to take rank as such from the first day of January, A. D. 1777."

Ramsay's share in the battle of Monmouth is related by an eye witness in these words:

“I was at General Washington’s side when he gave his orders to Colonels Stewart and Ramsay. General Lee’s command were retiring before the British troops which were pressing close upon them. General Washington arrived at this juncture, contemplated the scene for a few moments, then called to him Colonel Stewart and Colonel Ramsay, when taking the latter by the hand, ‘Gentlemen,’ said he to them, ‘I shall depend on your immediate exertions to check with your two regiments the progress of the enemy till I can form the main army.’ ‘We shall check them!’ said Colonel Ramsay. These officers performed what they promised. Colonel Stewart was early wounded and carried off the field. Colonel Ramsay maintained the ground he had taken till left without troops. In this situation he engaged in single combat with some British dragoons, nor yielded till cut down by numbers and left for dead on the field. . . . This important service . . . arrested the progress of the British army and gave time to the Commander-in-Chief to bring up and assign proper positions to the main army.”

This relation is taken from a marginal note in a copy of Marshall’s *Life of Washington*, now belonging to Mrs. Barnard, a granddaughter of Colonel Ramsay. It was there written by James McHenry, afterwards Secretary of War, at the time of which he speaks on General Washington’s

staff, and, at another period, an aide to La Fayette and, being an able officer trusted by the Commander-in-Chief, more than a military aide to the youthful General.

Family tradition adds something to the statement made by Mr. McHenry. It is said that Washington took the Maryland Colonel's hand in both of his and said with great solemnity: "Sir, in God's name hold this ground — minutes. The safety of the army depends on your doing so." The time specified was more than doubled before Ramsay's guns were withdrawn. They were saved.

Additional facts are given in a draft of a letter, in Mr. McHenry's hand, found a few years ago, among family papers, and now in my possession. It is entitled "Extract of a letter from a gentleman in the army to his friend in this city," and was written for publication in a Philadelphia newspaper with a view to correct some wrong statements respecting the battle of Monmouth. There is on the manuscript nothing to indicate whether it was published at the time. A copy of it having been given to Mr. Thomas H. Montgomery, it was by him given to the public through the Magazine of American History of June, 1879. In his comments, Mr. Montgomery conjectures that Mr. Dunlap, the editor to whom it was offered, could not be induced to give it a place in his paper. In a paragraph commending a

number of officers who had distinguished themselves, Mr. McHenry says:

“Indeed every gentleman who was engaged seem to act to the full extent of his force and situation, and to vie with each other for pre-eminence in honor. Some even carried this principle in the ardor of military pursuit beyond its purpose. This was the case with Lieutenant-Colonel Ramsay. While his men were on the retreat he was attacked by one of the enemy’s dragoons who charged him very briskly. The Colonel was on foot. It was for some time between them a trial of skill and courage. After the horseman fired his pistol, the Colonel closed in and wounded and dismounted him. Several dragoons now came up to support their comrade; the Colonel engaged them *cominus ense*, giving and receiving very serious wounds, till at length attacked in his rear and overpowered by numbers he was made prisoner. General Clinton paid a proper attention to such uncommon prowess and generously liberated the Colonel the following day on his parole.”

In the marginal note that has been quoted Mr. McHenry states that Colonel Ramsay was left for dead on the field. This was the fact. During the early part of the night he revived, but had no opportunity to escape; he was within the lines of the enemy who held the ground on which the

engagement had taken place until about midnight. While the Colonel was fighting hand to hand, a pistol was fired at his head within a short distance: at the moment of its discharge it was turned aside by the sword of an English officer. Life was thus saved, but one-half of the Colonel's face was burned, and ever after showed the blackened evidence of his having borne the brunt of a dangerous contest.

From the date of his capture at Monmouth Colonel Ramsay saw no active service. A long period was passed on parole or in imprisonment. When tardy exchange brought release his command had been filled. That happened to him of which many during the war had cause to complain. The giving commissions was in the hands of Congress whose members were not always mindful of, or aware of desert. The Commander-in-Chief, not unfrequently felt the wrong done to men on whom he would have bestowed marks of honor. He "gratefully remembered,"—so Mr. McHenry wrote on the margin referred to—"the service rendered at Monmouth," and "on his accession to the Presidency of the United States he appointed Colonel Ramsay to the civil office of Marshal, and afterwards to a place of more profit in the customs."

Before the act of self-devotion 'ever gratefully remembered,' the two men had been on terms of

friendly intercourse. Perhaps, therefore, when at Monmouth Washington called before him the commanders of the two regiments on whose exertions he depended, he addressed himself to Ramsay rather than to Stewart, who was of a higher grade. This personal friendship continued through life. This statement was doubted by a friend. Through persistent effort I have learned that the Colonel Ramsay who was pall-bearer was a Virginian. The records of the Masonic Lodge in Baltimore show this to be the fact.

It is probable, although I have no positive evidence of the supposition, that after the close of the war Colonel Ramsay resumed the practice of his profession as lawyer.

Twice under the first Federation of the United States he represented Maryland in Congress—in 1786 and in 1787.

In the first year of the present Government he was Marshal in and for the District of Maryland. His appointment is signed by George Washington, President. A second appointment to the same office bears date 28th January, 1794, and is signed by Edmund Randolph as well as by the President. In December, 1794, he was made Naval Officer for the District of Baltimore, having received a temporary appointment in August, when the Senate was not in session. In marked contrast with a later custom of the Republic, Colonel Ramsay held

this office during the remainder of his life—that is, under Washington and Adams, whose political opinions he shared, being a Federalist, and also under Jefferson and Madison and Monroe. His first appointment may be attributed to his General's gratitude; his long continuance in office was due to ability and faithfulness in discharge of duty.

Despite a somewhat lavish expenditure and a too trustful mode of dealing with men, Colonel Ramsay was, in a business sense, a prosperous man. At Carpenter's Point, in Cecil County, where the North East River joins the Chesapeake Bay, he owned a valuable estate, at that time especially valuable as a fishing shore. Here, all his life, he was fond of spending such time as public duty granted.

His home, for a time, was in Annapolis. The United States Court for Maryland, when first established, was held in Annapolis. In Baltimore, during many years, he occupied Fayetteville—a handsome mansion then on the outskirts of the city belonging to the friend to whom we are indebted for testimony respecting the facts that secure to Ramsay a place in the history of his country—testimony modestly withheld by his brother, the historian. Mr. McHenry had rented his house when absent at the seat of government as Secretary of War. On his return to Baltimore, not to disturb his tenant and to indulge an affectionate intimacy, he built himself another dwelling near by. The

strong friendship thus shown was made closer by the marriage of a son of the one to a daughter of the other.

In person Colonel Ramsay was very tall—two or three inches above six feet. In early life his frame, although vigorous, was somewhat slight. He is rightly so represented in the spirited bronze casting by Mr. Kelly on the monument lately erected at Monmouth. As age advanced his figure filled out, so that his commanding appearance would have insured observance among his fellow-townsmen had he not been well known to all, and remarkable also as among the last of the cocked hats in Baltimore.

Courage and gentleness are often associated. Colonel Ramsay was characterized by the one quality and by the other. He was modest in manners, even to an appearance of diffidence; yet, this shyness overcome, he was found to be full of humor and good fellowship; *i. e.*, “within the limit of becoming mirth,” for he was an avowed Christian, walking in the fear of God. His daughters were fond of telling of a habit that marks sentiment as well as devoutness. After the dismissal of his family, before retiring himself, he was used to go out and under the open heaven hold communion with his Maker. He was claimed as a playmate by children. The poor knew him to be their friend, and therefore not unfrequently im-

posed on him. His daughter has related how on one occasion her father meekly submitted to a virago of the neighborhood, who, with the roughness of one claiming a disputed right, demanded food for her pigeons, because he had replaced a broken window-pane in his granary and they could no longer get their accustomed supply of corn and oats. Another fact, also told me by his daughter, shows that his kindness of heart betrayed him into doubtful modes of relieving suffering. As winter approached he always laid in large stores of wood brought from his Cecil estate—stores large enough for his family and for some of his neighbors who could not buy and to beg were ashamed. When rebuked for allowing himself to be openly robbed, his only answer was, “Poor fellows, they must be cold or they would not take my wood.”

The rigidly righteous may censure his dealings with the poor; but he will not be condemned for having shown mercy.

He was long remembered with affection because of his tenderness and generosity, as well as with admiration for other characteristics.

Soon after his admission to the bar Colonel Ramsay married Miss Peale, a sister of Charles Wilson Peale, the artist and naturalist. From this marriage there was no issue. In 1792 he

took a second wife, Charlotte Hall, daughter of Aquila Hall and Sophia White, descendants of early settlers in the province. Of five children born of this union three survived their father: William White Ramsay, who left one son and three daughters; Sophia Hall, married to Daniel McHenry, whose only child, Ramsay, died unmarried; and Charlotte Jane, who was married to Henry Hall of Shandy Hall, captain of cavalry during the war of 1812, and whose five children are now living.

Colonel Ramsay died October 23, 1817, and was buried in the Presbyterian burying ground, corner of Fayette and Green streets, Baltimore, wherein was built about thirty-five years ago the Westminster Church.¹

¹ A few days after, the following obituary notice appeared in the *Baltimore Patriot*.

DIED, On Friday morning at 2 o'clock, Col. NATHANIEL RAMSAY of Baltimore, who in the revolutionary war distinguished himself as a brave, meritorious and humane officer. He was loved and esteemed by all the army, particularly by that great, good, and discerning man, Gen. WASHINGTON.

At the Battle of Monmouth, when our army was pressed by the enemy advancing rapidly, Gen. Washington asked for an officer; Col. Ramsay presented himself; the General took him by the hand and said, "If you can stop the British ten minutes (till I form) you will save my army." Col. Ramsay answered, "I will stop them *or fall*." He advanced with his party, engaged and kept them in check for half an hour; nor did he retreat until the enemy and his troops were mingled; and at last, in the rear of his troops, fighting his way *sword in hand*, he fell, pierced with many wounds, in sight of both armies. Add to this he was one of the best husbands, fathers and friends in the world. He will *forever be lamented by his neighbors*, and all who knew him.

In Independence Hall, Philadelphia, may be found a portrait of Colonel Ramsay and also one of Dr. David Ramsay, by whom painted the catalogue does not state: the likeness seems to have been secured as was that of the Scottish kings before Macbeth. The daughters of Mrs. Hall, besides a very attractive portrait in oil, from life, of Dr. Ramsay, have three portraits of their grandfather, taken at different periods of his life: one full-size in oil, and two miniatures on ivory.

Brief mention of "the brave Colonel Ramsay" has been made in not a few publications, and lately, through the erection of the monument to commemorate the Battle of Monmouth, attention has been drawn to the gallant conduct of his command in checking what threatened to be a rout. A notice of his life was written by myself for Johnson's *Cyclopedia*, where it appears over the name of General J. G. Barnard, and to Mr. Kelly, who has by his art enhanced the value of the Monmouth Monument, for some publication in connection with that memorial, I gave a year ago the substance of this sketch; but I have no reason to suppose that my paper has been or will be used.

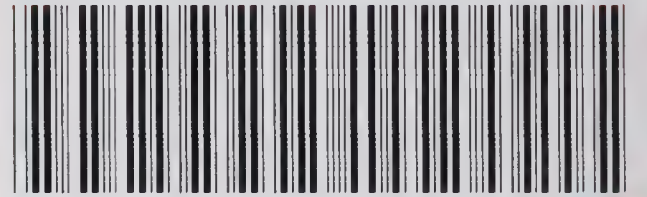
In a pamphlet without date, entitled "Sketch of Colonel Nathaniel Ramsay, of Cecil County, Md.," Isaac R. Pennypacker, Esq., has given a number of interesting facts, gathered from various sources

with a diligence presumably quickened by the fact that Mrs. Pennypacker is a granddaughter of Mr. William White Ramsay. I have not ventured to add the fruit of his research to what is familiar through family relations.

W. F. BRAND.

RECTORY OF ST. MARY'S CHURCH,
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